

Chair Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Landis and Vap present and Commissioner Rod Johnson excused at the beginning of the meeting.

#### GENERAL ADMINISTRATION

Attention was called to the following proceedings:

##### Wednesday, May 21, 2003:

- B-1615      Commission Library, Lincoln, and Nebraska State Office  
9:00      Building, Room 129, 1313 Farnam, Omaha. Need A Lift Transportation, Omaha, seeking authority as a common carrier of passengers in open class service by van between points in Cass, Douglas, Sarpy and Washington counties over irregular routes. To include clients of the Nebraska Department of Health and Human Services. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized. Commissioner Boyle chairing.
- C-2846      Fire Hall, Creston  
7:00      Petition from residents of the Creston exchange, served by Qwest Corporation, requesting extended area service (EAS) to the Columbus exchange, served by Citizens Telecommunications Company of Nebraska.

##### Thursday, May 22, 2003:

- NUSF-26      Commission Hearing Room, Lincoln. Pre-Hearing Conference.  
PO #4      The Commission, on its own motion, seeking to establish a  
1:30      long-term universal service funding mechanism.

Commissioner Rod Johnson entered the Commission Hearing Room.

#### COMMUNICATIONS DEPARTMENT

- C-2648      In the Matter of the Petition of Nebraska Technology & Telecommunications, Inc., Omaha, seeking arbitration of the interconnection rates, terms and conditions with Aliant Communications Co., dba ALLTEL: Upon agreement of all Commissioners, an order was entered approving the interconnection agreement as modified.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2910 In the Matter of Lincoln Electric System, Lincoln, seeking  
C-2925 contract carrier permit authority; and, In the Matter of  
the Petition for Declaratory Ruling of Lincoln Electric  
System seeking a determination that Title 291, Chapter 5, Telecommuni-  
cations Rules and Regulations, Sections 001, 002 and 003, as amended  
and enacted March 31, 2003, governing telecommunications contract car-  
riers, shall not be applied retroactively to the application of Lin-  
coln Electric System for Contract Carrier Permit Authority (C-2910)  
filed March 27, 2003: Gene Hand informed the Commission of petitions  
of intervention received.

C-2926 In the Matter of Gates Communications, Inc., Seattle, Wash-  
ington, seeking authority to operate as a resale common  
carrier of telecommunications services within the state of Nebraska:  
Upon agreement of all Commissioners, the application was granted.

C-2917 In the Matter of Qwest Corporation, Denver, Colorado, and  
Houlton Enterprises, Inc., dba Guaranteed Phone Service,  
Palm Harbor, Florida, seeking to adopt an interconnection agreement  
previously approved in Application C-1385: Upon agreement of all  
Commis-sioners, the agreement was approved.

C-2918 In the Matter of Qwest Corporation, Denver, Colorado, and  
Houlton Enterprises, Inc., dba Guaranteed Phone Service,  
Palm Harbor, Florida, seeking approval of an amendment to an intercon-  
nection agreement: Upon agreement of all Commissioners, the agreement  
was approved.

C-2921 In the Matter of Qwest Corporation, Denver, Colorado, and  
HunTel CableVision, d/b/a Huntel Communications, Blair,  
seeking approval of a wireline adoption interconnection agreement:  
Upon agreement of all Commissioners, the agreement was approved.

C-2922 In the Matter of Qwest Corporation, Denver, Colorado, and  
HunTel CableVision, d/b/a Huntel Communications, Blair,  
seeking authority to amend a wireline adoption interconnection agree-  
ment: Upon agreement of all Commissioners, the amendment was approved.

C-2923 In the Matter of Qwest Corporation, Denver, Colorado, and  
McLeodUSA Telecommunications Services, Inc., Cedar Rapids,  
Iowa, seeking authority to amend a wireline interconnection agreement  
previously approved in Application C-2023: Upon agreement of all Com-  
missioners, the amendment was approved.

C-2924 In the Matter of United Telephone Company of the West,  
d/b/a Sprint, Overland Park, Kansas, and AltiComm, Inc.,  
Canton, Massachusetts, seeking approval of a master interconnection  
and resale agreement: Upon agreement of all Commissioners, the agree-  
ment was approved.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2780 In the Matter of Level 3 Communications, LLC, Broomfield, Colorado, seeking arbitration to resolve issues relating to an interconnection agreement with Qwest Communications, Denver, Colorado: Upon agreement of all Commissioners, an oral argument for Level 3 Communications, LLC motion for rehearing was set for June 17, 2003, at 9:00 a.m. CDT in the Commission Hearing Room, Lincoln.

Gene Hand discussed an ALLTEL Communications press release dated April 28, 2003, announcing the addition of high-speed Internet DSL in Cedar Bluffs, Ceresco, Harvard, Juniata, Kenesaw, Martell, Mead, Rising City and Yutan.

CC 95-116 In the Matter of Telephone Number Portability: Petition for Declaratory Ruling filed on behalf of the Cellular Telecommunications & Internet Association (CTIA) with the Federal Communications Commission (FCC): Gene Hand discussed the request made of the FCC to remove uncertainty and terminate controversy regarding the obligations of wireless and wireline carriers to implement local number portability (LNP) in a manner that achieves the stated objectives.

Gene Hand discussed the Federal Trade Commission's request to the FCC asking them to take steps to prohibit entities under its jurisdiction from initiating calls to numbers on the FTC's "do-not-call" list and to refrain from setting up its own separate list.

Engineering Department

E-1988 In the Matter of Loup River Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Nance County: Upon agreement of all Commissioners, the application was granted.

Gene Hand provided the Commission with information from GAO-03-501, a report to the Honorable Anthony D. Weiner, House of Representatives, regarding wireless service quality.

UNIVERSAL SERVICE FUND

Jeff Pursley reviewed the late-filed carrier remittances with the Commission. Upon agreement of all Commissioners, each company included on the report is to be assessed a late handling fee of \$50.00.

Jeff Pursley discussed the Spanish translation of the new NTAP (Nebraska Telephone Assistance Program) forms.

Jeff Pursley updated the Commission on the True-up Data Requests for those companies that have submitted true-ups with a greater than 10% variance.

UNIVERSAL SERVICE FUND

Jeff Pursley updated the Commission on the audit submission of NPCR, Inc., d/b/a Nextel. The Commission approved offering Nextel a fine of \$3,300 if the audit was filed in the near future.

E911 DEPARTMENT

PSAP-022.2 In the Matter of Jefferson County PSAP, Fairbury, seeking funding approval for recurring and non-recurring costs of Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

PSAP-025 In the Matter of Lincoln County PSAP, North Platte, seeking funding approval for recurring and non-recurring costs associated with Wireless E911 implementation: Upon agreement of all Commissioners, the application was granted.

Kara Thielen discussed the following items:

The E-11 Advisory Board Meeting will be held June 4 and 5, 2003, at City Hall, 1615 First Avenue, South Sioux City.

Responses have been received from the RFI (Request for Information) and reviewing is in process. A subcommittee from the advisory board will also review these responses on May 30th at the Commission. Presentation time slots are scheduled at the next advisory board meeting for all vendors to present their products before the board and to answer any questions/concerns. In addition, responses have been requested from the following additional vendors: Motorola, Teltronics, Alltel and Raecomm.

Overview of Phase I Implementation and Phase I Requests.

Wireless Carriers were sent letters requesting their Phase II solution and costs for their service areas to aid in determining total costs and rollout schedule of Phase II.

Draft of Phase II Project Plan was presented.

New Phase I Request received from Box Butte County.

Sarpy County Request PSAP-001.3 has Land Line E911 and wireless costs blended in the request. The Advisory Board is trying to determine what amount is specifically for wireless.

#### E911 DEPARTMENT (Cont.)

Norfolk Request for Phase I has an unresolved issue because their E911 territory consists of portions of Stanton, Madison, Pierce and Wayne Counties, with only the City of Norfolk enhanced; the counties are not enhanced. A meeting was held with the County Commissioners, Sheriffs from all counties and the Chief of Police, Norfolk, on May 19, 2003, in Norfolk to address the issue and discuss possible resolution.

Nextel may have resolved their inability to process deactivated phone technology issues and plan to test this week. The outcome is due to be reported Friday, May 23, 2003.

T-Mobile does not have any subscribers in Nebraska, but has cell towers that provide roaming services. In order to implement these towers, T-Mobile is working toward resolving the issue of not having a telephone number range needed to deploy Phase I.

#### RULES AND REGULATIONS

Rule and In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 13, Modular Housing Unit Construction Rules and Regulations, by creation of an ad hoc committee and to adopt rules in accordance with current construction codes: A hearing was set for July 9, 2003, at 9:30 a.m. in the Commission Hearing Room, Lincoln. Commissioner Rod Johnson will preside as Hearing Officer.

#### LEGISLATIVE REPORT

Andy Pollock and Laura Davenport reported on LB 790, LB 531 and LR 81.

#### TRANSPORTATION DEPARTMENT

B-1578 In the Matter of Carlos E. Ortega, Schuyler, seeking authority as a common carrier of passengers by taxicab between points in Colfax County and between points in Colfax County, on the one hand, and on the other hand, points in Nebraska over irregular routes: Upon agreement of all Commissioners, the show cause was sustained and the certificate revoked.

B-1595 In the Matter of Marshanette Booker & Sons, dba Safe Senior Transportation Services (S.S.T.S.), Omaha, seeking authority as a common carrier of passengers by van in open class service between points in Douglas County and between points in Douglas County and points in Nebraska over irregular routes. To include the transportation of Health and Human Services clients: John Schmidt discussed the failure of the applicant to receive the order granting authority. Shana Knutson discussed her conversation with the applicant and suggested moving the hearing date currently set for June 3, 2003, to July, 2003.

TRANSPORTATION DEPARTMENT (Cont.)

B-1622 In the Matter of Airlink Services, Inc., Sioux City, Iowa, seeking authority as a common carrier of passengers by taxicab and vans between points in Dakota, Thurston, and Dixon Counties over irregular routes. To include the transportation of Health and Human Services clients. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: A Planning Conference Order and Notice of Hearing was entered. A video hearing was set for July 23, 2003, at 9:00 a.m. in the Commission Library, Lincoln, and City Hall, 1615 First Avenue, South Sioux City. Commissioner Rod Johnson will preside as Hearing Officer.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was retained at 14 cents per mile and the taxi surcharge at 20 cents per trip.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

Department of Corrections	\$ 273.84
DAS - IM Services	305.38
DAS - Materiel - Office Supply	538.67
DAS - Materiel - Postage	359.73
DAS - Materiel - Printing	352.53
Laura Davenport	573.14

Upon agreement of all Commissioners authorization was granted for Robert Bowman to travel to Clay Center, Kanas, on May 22, 2003, to perform a modular housing unit factory inspection of Wardcraft Homes with all expenses, including time, to be reimbursed to the Commission by Wardcraft Homes.

Upon agreement of all Commissioners, authorization was granted to extend the Recreational Vehicle Plan Review and Factory Inspection Agreement with Ted Burkey.

\*\*\*\*\*

The meeting adjourned at 11:12 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on May 28, 2003, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on May 27, 2003.

---

Chair

---

Executive Director